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JUL 18 2025

KEVIN P. WEIMER, Clerk
By:  Deputy Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**UNITED STATES SECURITIES AND EXCHANGE COMMISSION,
Plaintiff,**

v.

**DRIVE PLANNING, LLC, and
RUSSELL TODD BURKHALTER,
Defendants,**

and

**JACQUELINE BURKHALTER, THE BURKHALTER RANCH CORPORATION,
DRIVE PROPERTIES, LLC, DRIVE GULFPORT PROPERTIES LLC, and
TBR SUPPLY HOUSE, INC.,
Relief Defendants.**

Civil Action No. 1:24-cv-03583-VMC

**MOTION TO STAY ENFORCEMENT OF TURNOVER ORDER
AND TO PERMIT RESPONSIVE BRIEFING DUE TO LACK OF PROPER SERVICE**

COMES NOW interested party Mark Paul Haye and respectfully moves this Court to stay enforcement of its turnover order (Doc. 152) and to permit submission of his responsive brief, pursuant to the Court's May 21, 2025 Order, on the grounds that Mr. Haye was not properly served with the Receiver's brief. In support, Mr. Haye states as follows:

1. On May 21, 2025, the Court entered an order directing the Receiver to file his brief by June 4, 2025, and to ****serve**** that brief on Mr. Haye. The Court further provided that Mr. Haye would have 14 days ****after being served**** to file his responsive brief.
2. While the Receiver filed his brief on the docket, he did not effectuate formal service on Mr. Haye as required by the Court's order and by Federal Rule of Civil Procedure 5(b).
3. Specifically, the Receiver only emailed the brief to Mr. Haye without obtaining Mr. Haye's prior written consent to accept service by electronic means, as required under Rule 5(b)(2)(E).
4. Moreover, the Receiver failed to file any certificate of service with the Court, leaving Mr. Haye without official notice of when the 14-day response period would commence.

5. Although Mr. Haye sent a courtesy "thank you" in response to the Receiver's email, such informal acknowledgment does ****not**** constitute consent to electronic service nor waiver of formal service requirements under the Federal Rules or this Court's order.

6. As a result, Mr. Haye has been deprived of his right to file a responsive brief, in violation of his procedural due process rights.

WHEREFORE, Mr. Haye respectfully requests that this Court:

- (a) Stay enforcement of the turnover order (Doc. 152) pending resolution of this issue;
- (b) Permit Mr. Haye to file his responsive brief within 14 days of proper formal service;
- (c) Direct the Receiver to properly serve Mr. Haye and file a certificate of service as required; and
- (d) Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,



Mark Paul Haye

Mark Paul Haye, pro se

100 1st ave n., #203, st pete, florida, 33701

7278047220

Markhay31@yahoo.com

Dated: July 15, 2025

MR. MARK P. HAVE
100 1ST AVE. N.
UNIT 203
SAINT PETERSBURG, FL 33701

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ATLANTA, GEORGIA 30303

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Atlanta, GA 30303

CIVIL ACTION # 1:24-CV-03583-VMC

